

8-31-98

Docket No. PM-421

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of)
CHRISTOPHER J. STEVENS)
Application No. 08/940,815) Examiner Mayes
Filed: September 30, 1997) Group Art Unit 1734
For: CORRECTION TAPE DISPENSER)

#5/Suppl
Declar

Honorable Commissioner of
Patents and Trademarks
Washington, D. C. 20231

AUG 25 1998
GROUP 1100/1700

Dear Sir:

SUBMISSION OF SUPPLEMENTAL DECLARATION

Pursuant to a telephone conference with Examiner Curtis Mayes on August 5, 1998, applicant submits herewith a Supplemental Declaration Of Paul I. Douglas Under 37 CFR §1.63 in support of this reissue application. The Supplemental Declaration includes additional paragraphs (8) and (9) in which right of priority under 35 U.S.C. §119 is claimed on the following foreign applications:

- United Kingdom No. 9302589, filed Feb. 10, 1993;
- United Kingdom No. 9310715, filed May 25, 1993; and
- United Kingdom No. 9401594, filed Jan. 27, 1994.

The Supplemental Declaration is submitted to satisfy the requirements of 37 CFR §1.55 and §1.63 in this reissue application.

Respectfully submitted,

Charles P. Boukus, Jr.

Charles P. Boukus, Jr.
Registration No. 24,754
Attorney for Applicant
2001 Jefferson Davis Highway
Suite 202
Arlington, Virginia 22202
(703) 415-2620

August 25, 1998

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of)
CHRISTOPHER J. STEVENS)
Application No. 08/940,815)
Filed: September 30, 1997)
For: CORRECTION TAPE DISPENSER)

Examiner Mayes

Group Art Unit 1734

AUG 25 1998

GROUP 1734

SUPPLEMENTAL DECLARATION OF
PAUL I. DOUGLAS UNDER 37 CFR 1.63
IN SUPPORT OF REISSUE APPLICATION

In support of the present application for reissue of U.S. Patent 5,393,368, the undersigned Paul I. Douglas, who is employed as a Patent Attorney by The Gillette Company, the patent assignee, hereby states as follows:

(1) An error occurred during the prosecution of U. S. Patent 5,393,368 due to the failure of the patentee to file the certified copies of two of the three foreign priority applications on which right of priority was claimed under 35 U.S.C. §119 before the patent was issued.

(2) This error occurred in the prosecution of the original application Serial No. 08/192,471, filed February 7, 1994, in which the attorneys, through no deceptive intent, inadvertently filed only one of three required certified copies of the earlier U. K. applications and failed to file certified copies of the two other U. K. applications on which priority rights were claimed.

(3) In a declaration by the inventor, Christopher John Stevens, dated January 21, 1994 and filed with U. S. Application No. 08/192,471 on February 7, 1994, a claim for priority was made under 35 U.S.C. §119 based on U. K. Application 9302589, filed Feb. 10, 1993 and U. K. Application 9310715, filed May 25, 1993. The inventor's declaration did not identify U. K. Application 9401594, filed January 27, 1994, because it was signed on January 21, 1994 before the U. K. application was filed.

(4) In a paper entitled "Certified Copy Of Patent Application To Acknowledge Claim For Priority Under 35 U.S.C. §119", filed in U. S. Application No. 08/192,471 on November 21, 1994, a claim for priority was based on U. K. Patent Application 9401594, filed January 27, 1994. Due to a clerical error, only a certified copy of U. K. Application 9302589 was filed on November 21, 1994.

(5) The PTO prosecution file of Stevens U. S. Patent 5,393,368 indicates that a certified copy of the earliest U. K. Application 9302589 was filed in U. S. Application No. 08/192,471. The certified copy of U. K. Application No. 9302589 bearing a PTO mailroom stamp of November 21, 1994 appears in the '368 prosecution file. No certified copies of the other U. K. Applications 9310715 and 9401594 appear in the '368 prosecution file.

(6) Stevens U. S. Patent 5,393,368 issued on February 28, 1995 indicating that priority rights were claimed under 35 U.S.C. §119 based on U. K. Application 9302589, filed Feb. 10, 1993, and U. K. Application 9310715, filed May 25, 1993.

(7) On May 9, 1997, Interference No. 103,662 was declared between U. S. Patent 5,393,368 and a pending application of another party. During a review of the PTO prosecution file of the '368 patent in the course of work on the interference, Charles P. Boukus, Jr., counsel for the patentee in the interference, on or about June 2, 1997, discovered that certified copies of U. K. Applications 9310715 and 9401594 were missing from the PTO file. Shortly thereafter, Mr. Boukus reported to Gillette patent counsel, Paul Douglas and Chester Cekala, regarding the two missing U. K. priority applications. In a meeting of Messrs. Douglas, Cekala and Boukus, on July 22, 1997, it was decided to proceed with a reissue application to correct the apparent error in the priority claim under 35 U.S.C. §119 by submitting certified copies of the U. K. priority applications.

(8) As stated in paragraph (3) above, the inventor's declaration did not identify the U. K. Application 9401594, filed January 27, 1994, because the declaration was signed on January 21, 1994 before the U. K. application was filed. Although priority was claimed based on U. K. Application 9401594 in the paper filed on November 21, 1994, no oath or declaration referring to the U. K. application was filed in the original application. To satisfy the requirements of 37 C.F.R. §1.55 and §1.63, all U. K. applications on which right of priority is claimed are identified below.

(9) Right of priority is claimed under 35 U.S.C. §119 by applicant based on the following foreign applications:

United Kingdom No. 9302589, filed Feb. 10, 1993
United Kingdom No. 9310715, filed May 25, 1993
United Kingdom No. 9401594, filed Jan. 27, 1994

(10) The undersigned further states that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Paul I. Douglas

Paul I. Douglas
Registration No. 31,244
Patent Attorney
The Gillette Company
Prudential Tower Building
Boston, Mass. 02199-4099

August 11, 1998